

ESTTA Tracking number: **ESTTA241674**

Filing date: **10/09/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|------------------------|---|
| Proceeding | 91181975 |
| Party | Plaintiff Joanna Villeneuve and Melanie Villeneuve |
| Correspondence Address | Robert M. O'Connell, Jr. Goodwin Procter LLP Exchange Place, 53 State Street Boston, MA 02109 UNITED STATES tmadmin@goodwinprocter.com |
| Submission | Motion to Amend Pleading/Amended Pleading |
| Filer's Name | Robert M. O'Connell, Jr. |
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| Date | 10/09/2008 |
| Attachments | AmendedNOO_Villeneuve.pdf (4 pages)(138653 bytes) |

| | | |
|-------------------------|---|------------------------------|
| |) | |
| JOANNA VILLENEUVE and |) | |
| MÉLANIE VILLENEUVE, |) | |
| |) | Mark: GILLES VILLENEUVE |
| Opposers, |) | Serial No.: 79/030,057 |
| |) | Published: 18 September 2007 |
| v. |) | |
| |) | |
| GOLDSTAR HOLDINGS CORP. |) | Opposition No. 91181975 |
| |) | |
| Applicant. |) | |
| |) | |

In the matter of Application Serial No. 79/030,057, filed on 14 December 2005, by Applicant Goldstar Holdings Corp., for the mark GILLES VILLENEUVE, and pursuant to the Board's order dated 20 September 2008, Opposers Joanna Villeneuve and Mélanie Villeneuve hereby submit the following Amended Notice of Opposition.

PARTIES

- LIBC/3411706.1

2. Upon information and belief, Applicant is a Bahamian company engaged primarily in managing the business affairs of Jacques Villeneuve.

SUBSTANTIVE ALLEGATIONS

3. Opposers are heirs and beneficiaries of the estate of Gilles Villeneuve, and as such succeeded to his interests in all his assets, including the trademark and publicity rights in his name GILLES VILLENEUVE.

4. Gilles Villeneuve was a highly successful and world famous Formula One race car driver who won numerous races in the United States, Canada and overseas during his racing career from 1975 until his death in a racing accident in 1982.

5. Both before and particularly since his death he has become an iconic figure in the history of the sport, and significant fame and goodwill are associated with his name in the U.S. and abroad.

6. On or about December 14, 2005, Applicant filed the subject application, based on International Registration No. 0901438 and claiming a long list of goods in Classes 9, 16, 20, 25 and 28. The applied for mark is identical to the name of Opposers' decedent, and many of the goods listed in the application refer specifically to auto racing.

7. Applicant has no ownership or other rights in the name, likeness, image or personality of Gilles Villeneuve to support a claim of trademark rights in GILLES VILLENEUVE.

8. The registration and/or use of the mark GILLES VILLENEUVE by the Applicant would therefore falsely suggest a connection with the Opposers' late husband and father, Gilles Villeneuve, in violation of Section 2(a) of the Act, 37 U.S.C. § 1052(a).

9. Further, under these circumstances, there is a very high likelihood that purchasers and potential purchasers of Applicant's goods will rely on this false connection and be confused or deceived into believing that the goods have been authorized or endorsed by the Villeneuve family, all to the great detriment of the publicity rights which Opposers hold in the GILLES VILLENEUVE name.

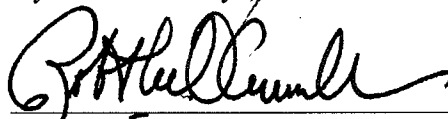
10. As a result, Opposers believe that they will be damaged by the registration by Applicant of the mark GILLES VILLENEUVE.

WHEREFORE, Opposers Joanna Villeneuve and Mélanie Villeneuve respectfully pray that this Notice of Opposition be sustained, and that the aforesaid application of Goldstar Holdings Corp. be refused registration; and for such other and further relief that the Board deems just and proper.

Respectfully submitted,

JOANNA VILLENEUVE and
MÉLANIE VILLENEUVE,

By their Attorneys,



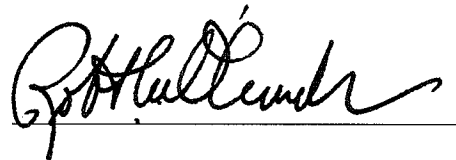
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Dated: October 9, 2008

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing document was served on October 9, 2008, upon counsel for Applicant by first class mail, postage prepaid, addressed to:

Carl Oppedahl, Esq.
Jessica L. Olson, Esq.
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A handwritten signature in black ink, appearing to read "Carl Oppedahl", is written over a horizontal line.